

Judge: Timothy W. Dore  
Chapter: 13  
Hearing Date: April 06, 2016  
Hearing Time: 9:30 am  
Hearing Location: U.S. Bankruptcy Court  
700 Stewart St #8106  
Seattle, WA 98101

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

RICHARD ROBERTS,

Debtor.

IN CHAPTER 13 PROCEEDING  
NO. 15-16966

TRUSTEE'S OBJECTION TO CONFIRMATION

The Trustee objects to confirmation of the debtor's plan, filed December 20, 2015 (ECF No. 11) as follows:

(1) Section II.B. of the debtor's plan is incomplete, as the debtor does not indicate the plan payment frequency. Based on the debtor's Schedules I and J showing monthly net income of \$4,940.46 and the debtor's plan, the Trustee presumes the debtor intended to propose a monthly plan payment of \$5,072.00 (and, of course, the debtor would need to commit his disposable income to funding the plan). (2)

Based on a monthly plan payment of \$5,072.00, the debtor is currently \$14,441.08 delinquent on plan payments. To date, the Trustee has received only \$5,846.92 from the debtor. (3) The debtor

apparently obtained employment at UPS post-petition. The debtor needs to file amended Schedules I and J to reflect his new employment. (4) The debtor's plan is not feasible for two reasons. First, the debtor

does not have the ability to fund a feasible plan. Based on his UPS paystubs, the debtor's hourly rate is \$29.53. The debtor's base monthly pay is thus \$5,118.53 gross (\$29.53 / hour multiplied by a forty hour work week multiplied by fifty-two weeks and then divided by twelve months). Second, based on the Trustee's calculations, the debtor would need to make a monthly plan payment of \$5,200.00 to complete his plan within sixty months. That amount is an estimate, however, as the mortgage company has not yet filed a proof of claim. (5) The Trustee reserves the right to assert additional bases for this pleading.

TRUSTEE'S OBJECTION TO CONFIRMATION - 0

Chapter 13 Bankruptcy Trustee  
600 University St. #2200  
Seattle, WA 98101  
(206) 624-5124 Fax: (206) 624-5282  
www.seattlech13.com

THE TRUSTEE REQUESTS:

That the Court enter an order denying confirmation of the debtor's plan, and setting deadlines for filing and noting a feasible amended plan.

Dated: March 28, 2016

/s/ K. Michael Fitzgerald  
K. Michael Fitzgerald, WSBA #8115  
Chapter 13 Trustee